



United States Department of State
and the Broadcasting Board of Governors

Office of Inspector General

APR 16 2013

Re: OIG FOIA Case No. 13-00038-FOI

Mr. Michael Morisy
MuckRock News
DEPT MR 4797
PO Box 55819
Boston, MA 02205-5819

Dear Mr. Morisy:

This is in response to your Freedom of Information Act (FOIA), 5 U.S.C. § 552, request dated March 28, 2013, submitted to the Office of Information Programs and Services (IPS), U.S. Department of State. Your request was forwarded to the Office of Inspector General (OIG) for action on April 8, 2013.

You requested "listing of investigations closed during the years 2008 to present in the State Department Office of Inspector General, including fields such as the case number, the description or category, and the opening and closing date."

OIG conducted a search and located one document responsive your request. The document is being released to you in part, redacted under FOIA exemptions (b)(6) and (b)(7)(C). We have enclosed a separate sheet explaining the exemptions.

Please note that the FOIA does not require agencies to create documents in response to an individual's request for information.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may appeal this decision within 60 days to the Chairman of the Appeals Panel of the U.S. Department of State as explained in the enclosed. Appeals should be addressed to: Chairman, Appeals Review Panel, Attention: Appeals Officer,

A/ISS/IPS/PP/LC, Room 8100, State Annex 2 (SA-2), U.S. Department of State,
Washington, D.C. 20522-8100.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Geisel', with a stylized, flowing script.

Harold W. Geisel
Deputy Inspector General

Enclosures: As stated

Cases Closed				
Investigation Number	Investigation Title	Opened Date	Closing Date	Lead Agent
C2001059		05/29/2001	03/17/2009	
C2004009		12/04/2003	03/11/2008	
C2004011		12/24/2003	05/21/2008	
C2004027		03/11/2004	10/27/2008	
C2005005		10/21/2004	09/11/2008	
C2005027		02/16/2005	06/09/2008	
C2005035		03/18/2005	11/22/2010	
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C2006004		11/10/2005	12/15/2009	
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C2006038		09/07/2006	10/07/2008	
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C2011076	06/17/2011	12/13/2011
C2011077	06/20/2011	03/07/2013
C2011078	06/23/2011	05/13/2012
C2011079	06/29/2011	09/04/2012
C2011083	07/14/2011	11/07/2012
C2011084	07/22/2011	04/16/2012
C2011085	07/27/2011	10/04/2011
C2011089	08/15/2011	12/21/2012
C2011090	08/15/2011	12/21/2012

<u>C2011091</u>	08/29/2011	11/21/2011
<u>C2011093</u>	08/31/2011	09/16/2011
<u>C2011095</u>	09/06/2011	06/18/2012
<u>C2011097</u>	09/15/2011	09/10/2012
<u>C2011100</u>	09/20/2011	07/10/2012
<u>C2011101</u>	09/22/2011	11/29/2011
<u>C2011102</u>	09/22/2011	09/13/2012
<u>C2012002</u>	10/11/2011	12/08/2011
<u>C2012003</u>	10/13/2011	03/26/2013
<u>C2012004</u>	10/13/2011	12/13/2012
<u>C2012005</u>	10/20/2011	06/06/2012
<u>C2012008</u>	11/09/2011	07/20/2012
<u>C2012010</u>	11/16/2011	11/26/2012
<u>C2012011</u>	11/18/2011	02/07/2012
<u>C2012012</u>	11/18/2011	08/31/2012
<u>C2012016</u>	11/23/2011	07/10/2012
<u>C2012017</u>	11/28/2011	06/06/2012
<u>C2012018</u>	11/28/2011	08/27/2012
<u>C2012019</u>	11/28/2011	06/12/2012
<u>C2012021</u>	12/02/2011	04/18/2012
<u>C2012023</u>	12/09/2011	09/13/2012
<u>C2012024</u>	01/04/2012	09/14/2012
<u>C2012025</u>	01/06/2012	05/01/2012
<u>C2012026</u>	01/12/2012	07/13/2012
<u>C2012027</u>	01/17/2012	01/15/2013
<u>C2012028</u>	01/19/2012	07/23/2012
<u>C2012035</u>	02/23/2012	12/21/2012
<u>C2012038</u>	02/27/2012	06/04/2012
<u>C2012041</u>	02/27/2012	03/26/2012
<u>C2012042</u>	02/27/2012	03/20/2012
<u>C2012043</u>	02/27/2012	03/20/2012
<u>C2012045</u>	02/27/2012	03/26/2013
<u>C2012046</u>	02/21/2012	02/07/2013
<u>C2012048</u>	03/07/2012	02/07/2013
<u>C2012051</u>	03/19/2012	05/01/2012
<u>C2012063</u>	03/23/2012	05/24/2012
<u>C2012054</u>	03/23/2012	05/30/2012
<u>C2012063</u>	04/13/2012	07/16/2012
<u>C2012065</u>	04/16/2012	08/07/2012
<u>C2012066</u>	04/16/2012	01/04/2013
<u>C2012070</u>	04/19/2012	07/16/2012
<u>C2012074</u>	04/27/2012	06/13/2012
<u>C2012075</u>	04/27/2012	07/24/2012
<u>C2012076</u>	04/30/2012	01/29/2013
<u>C2012079</u>	05/11/2012	08/06/2012
<u>C2012084</u>	05/31/2012	10/26/2012

C2012085		06/06/2012	03/18/2013	
C2012087		06/18/2012	08/17/2012	
C2012088		06/20/2012	03/22/2013	
C2012090		06/25/2012	03/08/2013	
C2012091		06/27/2012	08/03/2012	
C2012093		06/29/2012	03/12/2013	
C2012094		07/03/2012	07/03/2012	
C2012106		08/27/2012	12/21/2012	
C2012107		08/29/2012	11/13/2012	

Total Records: 485

Date Report Run: Wednesday, April 3, 2013

EXPLANATION OF EXEMPTIONS

The Freedom of Information Act (5 U.S.C. § 552)

- Exemption 1 (5 U.S.C. § 552(b)(1)) – protects from disclosure information which is specifically authorized under criteria established by Executive Order to be kept classified in the interest of national defense or foreign policy.
- Exemption 2 (5 U.S.C. § 552(b)(2)) – records related solely to internal personnel rules and practices, which, if released, would allow circumvention of an agency function.
- Exemption 3 (5 U.S.C. § 552(b)(3)) – protects information specifically exempted from disclosure by other federal statutes.
- Exemption 4 (5 U.S.C. § 552(b)(4)) – protects from disclosure trade secrets and commercial or financial information obtained from a person which is privileged or confidential.
- Exemption 5 (5 U.S.C. § 552(b)(5)) – protects from disclosure inter-agency or intra-agency memoranda or letters consisting of predecisional advice, opinion or recommendations.
- Exemption 6 (5 U.S.C. § 552(b)(6)) – exempts from disclosure records or information which if disclosed would constitute a clearly unwarranted invasion of personal privacy.
- Exemption 7 (5 U.S.C. § 552(b)(7)) – protects from disclosure records or information compiled for law enforcement purposes to the extent that the production of such records or information:
 - (A) could reasonably be expected to interfere with enforcement proceedings;
 - (B) would deprive a person of a right to a fair trial or an impartial adjudication;
 - (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy;
 - (D) could reasonably be expected to disclose the identity of a confidential source;
 - (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; and/or

- (F) could reasonably be expected to endanger the life or physical safety of any individual.

The Privacy Act (5 U.S.C. § 552a)

- Exemption § 552a(j)(2), whereby records may be withheld from disclosure which are maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws and which consists of:
 - (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders;
 - (B) information compiled for the purpose of a criminal investigation; and/or
 - (C) reports identifiable to an individual.
- Exemption § 552a(k)(2), whereby information compiled for law enforcement purposes, other than for the purpose of a criminal investigation, including material which, if released, would reveal the identity of a source who furnished information to the government.

Amendment rights

In accordance with § 552a(d)(2) of the Privacy Act and § 171.35, Title 22 of the Code of Federal Regulations, an individual has the right to request that the Department amend a record pertaining to her or him which the individual believes is not accurate, relevant, timely, or complete. A copy of this regulation is enclosed, if applicable.

Code of Federal Regulations

Title 22 - Foreign Relations

Volume: 1

Date: 2010-04-01 Original

Date: 2010-04-01 Title: SUBCHAPTER R - ACCESS TO INFORMATION

Context: Title 22 - Foreign Relations. CHAPTER I - DEPARTMENT OF STATE

Subpart F—Appeal Procedures

§ 171.52 Appeal of denial of access to, declassification of, amendment of, accounting of disclosures of, or challenge to classification of records.

(a) *Right of administrative appeal.* Except for records that have been reviewed and withheld within the past two years or are the subject of litigation, any requester whose request for access to records, declassification of records, amendment of records, accounting of disclosures of records, or any authorized holder of classified information whose classification challenge has been denied, has a right to appeal the denial to the Department's Appeals Review Panel. This appeal right includes the right to appeal the determination by the Department that no records responsive to an access request exist in Department files. Privacy Act appeals may be made only by the individual to whom the records pertain.

(b) *Form of appeal.* There is no required form for an appeal. However, it is essential that the appeal contain a clear statement of the decision or determination by the Department being appealed. When possible, the appeal should include argumentation and documentation to support the appeal and to contest the bases for denial cited by the Department. The appeal should be sent to: Chairman, Appeals SA-2, Room 8100, Washington, DC 20522-8100.

(c) *Time limits.* The appeal should be received within 60 days of the date of receipt by the requester of the Department's denial. The time limit for response to an appeal begins to run on the day that the appeal is received. The time limit (excluding Saturdays, Sundays, and legal public holidays) for agency decision on an administrative appeal is 20 days under the FOIA (which may be extended for up to an additional 10 days in unusual circumstances) and 30 days under the Privacy Act (which the Panel may extend an additional 30 days for good cause shown). The Panel shall decide mandatory declassification review appeals as promptly as possible.

(d) *Notification to appellant.* The Chairman of the Appeals Review Panel shall notify the appellant in writing of the Panel's decision on the appeal. When the decision is to uphold the denial, the Chairman shall include in his notification the reasons therefore. The appellant shall be advised that the decision of the Panel represents the final decision of the Department and of the right to seek judicial review of the Panel's decision, when applicable. In mandatory declassification review appeals, the Panel shall advise the requester of the right to appeal the decision to the Interagency Security Classification Appeals Panel under § 3.5(d) of E.O. 12958.

